



PATENT  
ATTORNEY DOCKET NO.: UCSD1360-1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Albani et al. Art Unit: 1644  
Application No.: 10/001,938 Examiner: Ewoldt, G.R.  
Filed: October 31, 2001  
Title: IMMUNOMODULATORY PEPTIDES DERIVED FROM HEAT SHOCK  
PROTEINS AND USES THEREOF

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

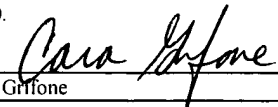
**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Requirement for Restriction mailed December 15, 2003, Applicant elects, with traverse, Group II consisting of Claims 1-12, 15, 19-24, and 28-56, drawn to method of modulating the immune response comprising tolerizing or inhibiting an inflammatory response in a patient, said method comprising administering a dnaJ HSP peptide, classified in Class 424, subclass 278.1.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on February 17, 2004, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Cara Griffone

2/17/04

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Albani et al.

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Filed: October 31, 2001

Page 2

PATENT

Attorney Docket No. UCSD1360-1

The species of peptide set forth as SEQ ID NO:2 is elected with traverse and the disease elected with traverse is arthritis. Although the peptide set forth as SEQ ID NO:2 is elected in order to be fully responsive to the present Communication, the species election requirement is traversed because each of the peptides set forth in the claims shares a commonality of operation, function and effect with the other peptides (see MPEP 806.04(e)). More specifically, while the peptides have different sequences, they share a commonality of operation, function and effect in that each can induce tolerance. As such, it is respectfully requested that the species election requirement be withdrawn and, upon finding that claims directed to the use of SEQ ID NO:2 are allowable, the Examiner consider the additional peptides as set forth in the claims as filed.

A check in the amount of \$55.00 is enclosed as payment for the One Month Extension of Time fee. The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A duplicate copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Date: February 17, 2004



Lisa A. Haile, J.D., Ph.D.

Registration No.: 38,347

Telephone: (858) 677-1456

Facsimile: (858) 677-1465

GRAY CARY WARE & FREIDENRICH LLP

4365 Executive Drive, Suite 1100

San Diego, California 92121-2133

USPTO Customer Number 28213